

AGENDA

Board of Directors Meeting

April 1, 2009

Start Time: 9:30 a.m.

LOCATION

**San Bernardino Associated Governments
Santa Fe Depot - SANBAG Lobby 1st Floor
1170 W. 3rd Street, San Bernardino, CA**

Board of Directors

President

Gary Ovitt, Supervisor
County of San Bernardino

Vice-President

Paul Eaton, Mayor
City of Montclair

Charley Glasper, Mayor
City of Adelanto

Rick Roelle, Mayor
Town of Apple Valley

Julie McIntyre, Mayor Pro Tem
City of Barstow

Bill Jahn, Mayor Pro Tem
City of Big Bear Lake

Dennis Yates, Mayor
City of Chino

Gwenn Norton-Perry, Council Member
City of Chino Hills

Kelly Chastain, Mayor
City of Colton

Mark Nuaimi, Mayor
City of Fontana

Bea Cortes, Council Member
City of Grand Terrace

Mike Leonard, Council Member
City of Hesperia

Larry McCallon, Council Member
City of Highland

Rhodes "Dusty" Rigsby, Mayor Pro Tem
City of Loma Linda

Jeff Williams, Mayor
City of Needles

Alan Wapner, Council Member
City of Ontario

Diane Williams, Council Member
City of Rancho Cucamonga

Patricia Gilbreath, Mayor Pro Tem
City of Redlands

Ed Scott, Council Member
City of Rialto

Patrick Morris, Mayor
City of San Bernardino

Jim Harris, Council Member
City of Twentynine Palms

John Pomierski, Mayor
City of Upland

Ryan McEachron, Council Member
City of Victorville

Richard Riddell, Mayor
City of Yucaipa

William Neeb, Council Member
Town of Yucca Valley

Brad Mitzelfelt, Supervisor
County of San Bernardino

Paul Biane, Supervisor
County of San Bernardino

Neil Derry, Supervisor
County of San Bernardino

Josie Gonzales, Supervisor
County of San Bernardino

Ray Wolfe, Caltrans
Ex-Officio Member

Deborah Robinson Barmack
Executive Director

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
County Congestion Management Agency
Service Authority for Freeway Emergencies**

Board of Directors

AGENDA

**April 1, 2009
9:30 a.m.**

**Location:
San Bernardino Associated Governments
Santa Fe Depot
SANBAG Lobby, 1st Floor
1170 W. 3rd Street, San Bernardino**

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional meeting procedures and agenda explanations are attached to the end of this agenda.

Call to Order - 9:30 a.m. by Supervisor Gary Ovitt

- I Pledge of Allegiance
- II. Attendance
- III. Announcements
 - Calendar of Events (Pg. 13)
- IV. Agenda Notices/Modifications – Vicki Watson

Notes/Actions:

1. Possible Conflict of Interest Issues for the Board Meeting of April 1, 2009 Pg. 14

Note agenda item contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

Consent Calendar

Items listed on the Consent Calendar are expected to be routine and non-controversial. These items have been discussed at SANBAG Policy Committee meetings and made available for public review as noted in the agenda. The Consent Calendar will be acted upon as a single motion. Items on the Consent Calendar may be removed for discussion by Board Member Request. Items pulled from the consent calendar will be brought up under Agenda Item 22.

Administrative Matters

2. **Board of Directors Attendance Roster** Pg. 16
3. **Procurement Report for February 2009** Pg. 20
Receive Monthly Procurement Report. **William Stawarski**
This item was unanimously received by the Administrative Committee on March 11, 2009.

Subregional Transportation Planning & Programming

4. **Congestion Management Program Cost Allocation** Pg. 22
1. Approve the cost allocation schedule for the Congestion Management Program (CMP) for 2007/2008 included in Attachment 1; and
2. Approve invoicing of Mountain/Desert jurisdictions.
Ryan Graham
This item was reviewed and unanimously recommended for approval at the Mountain/Desert Committee on February 20, 2009.
5. **SANBAG Contract No. R09181 for Southern California Association of Governments (SCAG) Lease of Office Space at the Santa Fe Depot** Pg. 29
Approve Contract No. R09181 for the two year lease with Southern California Association of Governments (SCAG) for office space at the San Bernardino Santa Fe Depot. **Duane Baker**
This item was reviewed by the Administrative Committee on March 11, 2009 and unanimously recommended for approval.

Consent Calendar Continued....**Program Support/Council of Governments**

6. **Amendment No. 1 to Contract No. 07-011 with Montague, De Rose and Associates, LLC for Financial Advisory Services** Pg. 47

Approve Amendment No. 1 to Contract No. 07-011 with Montague, DeRose and Associates, LLC, increasing the contract total amount from \$150,000 to \$350,000 and extending the period of performance to July 5, 2011. **William Stawarski**

This item was reviewed and unanimously recommended for approval by the Administrative Committee on March 11, 2009.

7. **Amendment No. 1 to Contract No. 06-015 with PFM Asset Management, Inc. for Investment Advisory Services** Pg. 52

Approve Amendment No. 1 to Contract No. 06-015 with PFM Asset Management, increasing the contract total amount from \$240,000 to \$368,000 and extending the period of performance to April 1, 2010. **William Stawarski**

This item was reviewed and recommended for approval 5-1-0 (Yates opposed), by the Administrative Committee on March 11, 2009.

Project Development

8. **Construction Cooperative Agreement No. C09-129 with Caltrans for Interstate 215 Segments 1 and 2 in the City of San Bernardino** Pg. 57

Approve Construction Cooperative Agreement No. C09-129 with Caltrans for Interstate 215 Segments 1 and 2 in the City of San Bernardino. **Garry Cohoe**

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on March 12, 2009. SANBAG Counsel has reviewed and approved the agreement as to form.

9. **Amendment No. 1 to Contract No. C07-004 with Westbound Communications for Public Information and Safety Services for Interstate 215 Segments 1 and 2 and I-215 Segment 5 and the SR 210 Connectors in the City of San Bernardino** Pg. 76

Approve Amendment No. 1 to Contract No. C07-004 with Westbound Communications for Public Information and Safety Services for Interstate 215 Segments 1 and 2 and I-215 Segment 5 and the SR 210 Connectors in the City of San Bernardino for an additional \$859,000 for a total contract value of \$1,409,000, and extend the duration of the contract to December 2013. **Garry Cohoe**

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on March 12, 2009. SANBAG Counsel has reviewed and approved the agreement as to form.

Consent Calendar Continued....

Project Development (Cont.)

10. **Amendment No. 5 to Contract No. 02-009 with DMJM+Harris, Inc. for Prepare Plans, Specifications, and Estimates for I-215 Segments 1 and 2 in the City of San Bernardino** Pg. 95

Approve Amendment No. 5 to Contract No. 02-009 with DMJM+Harris, Inc. to extend the period of performance to June 30, 2009. **Garry Cohoe**

This item was reviewed and recommended for approval (12-0-1; Abstained: Wapner) by the Major Projects Committee on March 12, 2009. SANBAG Counsel has reviewed and approved the agreement as to form.

Transit/Commuter Rail

11. **SANBAG's Application for FTA Section 5304 Transit Planning Grant to study Inter-City Connectivity throughout the Rural Portions of San Bernardino County** Pg. 100

1. Approve Resolution 09-011 authorizing the submittal of SANBAG's Federal Transit Administration Section 5304 Transit Planning Grant application.

2. Authorize the Executive Director to execute a contract with Caltrans should SANBAG's grant application be successful. **Mike Bair**

This item was reviewed and unanimously recommended for approval by the Plans and Programs Committee on March 18, 2009, the Commuter Rail Committee on March 19th, and the Mountain/Desert Committee on March 20, 2009.

12. **Amendment to Contract C08028 with STV, Inc. for the preparation of the San Bernardino to Redlands Corridor Regionally Significant Transportation Investment Study (RSTIS) and Environmental Assessment (EA)** Pg. 104

Approve Amendment No. 1 to Contract C08028 with STV, Inc. for the preparation of the San Bernardino to Redlands Corridor RSTIS and EA, extending the time of performance to January 6, 2010. **Mike Bair**

This item was reviewed and unanimously recommended for approval by the Commuter Rail Committee on March 19, 2009.

Consent Calendar Continued....

Transit/Commuter Rail (Cont.)

13. Cooperative Agreement to Reimburse the Los Angeles County Metropolitan Transportation Authority (LACMTA for Advancing Funds for Safety Improvements Pg. 108

1. Approve Cooperative Agreement (C09171) between the San Bernardino Associated Governments (SANBAG), Los Angeles County Metropolitan Transportation Authority (LACMTA) and Southern California Regional Rail Authority (SCRRA) under which SANBAG agrees to reimburse LACMTA for advancing funds for SCRRA safety projects in the amount of \$360,000 as identified in the Financial Impact Section.

2. Authorize the Executive Director to execute the Cooperative Agreement C09171. **Mike Bair**

This item was reviewed and unanimously recommended for approval by the Commuter Rail Committee on March 19, 2009.

14. Report on the NASCAR Auto Club 500 Chartered Train Service Pg. 115

Receive Report. **Mike Bair**

This item was reviewed by the Commuter Rail Committee on March 19, 2009. The Commuter Rail Committee directed staff to aggressively pursue renegotiating the agreement to transfer financial responsibility to the Speedway and if not successful, begin the process of terminating the agreement. Staff is conferring with legal counsel on the direction given.

DISCUSSION ITEMS

Transit/Commuter Rail

15. Master Cooperative Agreement between San Bernardino Associated Governments and Omnitrans Pg. 117

Approve Cooperative Agreement, C09188, with Omnitrans for the Design, Construction and Administration of the E Street Corridor sbX Bus Rapid Transit Project **Mike Bair**

This item was scheduled for review by the Plans and Programs Committee on March 18, 2009. However, due to time constraints the item was not heard and is being presented directly to Board.

Discussion Items Continued....

Transit/Commuter Rail (Cont.)

16. **Sole Source Professional Services Contract – Passenger Rail Planning** Pg. 129

Approve Contract C09187 with the firm of Schiermeyer Consulting Services (SCS) for passenger rail planning services in an amount not to exceed \$205,268 as specified in the Financial Impact Section.
Mike Bair

This item was reviewed and unanimously recommended for approval by the Commuter Rail Committee on March 19, 2009.

17. **Amendment No. 3 to Contract 04-058 with Parsons Transportation Group for preparing a Long Range Transit Plan for San Bernardino County** Pg. 139

1. Approve Amendment No. 3 to Contract 04-058 with Parsons Transportation Group, extending the Time of Performance to September 2, 2009 and increasing the Contract Budget Authority by \$150,094 for a new total of \$721,854 as identified in the Financial Impact Section.

2. Approve Budget Amendment to Task 40409000 – Comprehensive Transportation Plan, increasing the budget by \$150,094 for a new total of \$291,051. **Mike Bair**

This item was scheduled for review by the Plans and Programs Committee on March 18, 2009. However, due to time constraints the item was not heard and is being presented directly to Board.

State and Federal Fund Administration

18. **Overall transportation strategy for expenditure of transportation funding included in the American Recovery and Reinvestment Act of 2009 (ARRA)** Pg. 145

Receive and file this item as an information item, as the following items addressed in this agenda item are intended for individual action at the time of Board presentation. **Deborah Barmack**

The full set of ARRA agenda items were reviewed by the Plans and Programs, Commuter Rail and Mountain/Desert Committees at their respective March meetings. The Administrative and Major Projects Committee reviewed the I-215 prioritization and sales tax revenue note items at their March meetings and unanimously recommended approval in their conceptual form.

Discussion Items Continued....**State and Federal Fund Administration (Cont.)**

- 18A. Update on Distribution within California of American Recovery and Reinvestment Act of 2009 (ARRA) Highway Funding** Pg. 147

Receive Report. Ty Schuiling

This item was received by the Plans and Programs Policy Committee on March 18, 2009.

- 18B. Establish the completion of the I-215 Corridor Improvements within the City of San Bernardino as a priority. In addition, allocate the full amount of Federal Stimulus funds under the discretion of SANBAG to the I-215 Corridor Improvements.** Pg. 149

1) Establish the completion of the I-215 Corridor Improvements within the City of San Bernardino as a priority.

2) Approve allocating the full amount of Federal Stimulus funds under the discretion of SANBAG, currently estimated at \$80.6 million, to the I-215 Corridor Improvements.

3) Authorize \$15,549,000 of Project of National and Regional Significance (PNRS) funds to be unprogrammed from the I-10/Tippecanoe Interchange project and programmed on the I-215 Corridor Improvements, Segments 1&2 and program \$15,549,000 of Fiscal Year 10/11 and 11/12 Surface Transportation Program (STP) on the I-10/Tippecanoe Interchange project. **Garry Cohoe**

The item was reviewed and recommended for approval by Plans and Programs Policy Committee on March 18, 2009 (8-1-0; Opposed: Mitzelfelt). The item was also reviewed and unanimously recommended for approval by Commuter Rail Committee on March 19, 2009 and Mountain Desert Committee/Measure I Committee on March 20, 2009. SANBAG Counsel, the SANBAG Financial Advisor, Bond Counsel, and Disclosure Counsel have also reviewed this item.

- 18C. Resolution No. 09-010, Issuance of the 2009 Sales Tax Revenue Note (Limited Tax Bonds) and Designating the Underwriter and Printer** Pg. 152

1. Approve Resolution No. 09-010 authorizing issuance of the 2009 Sales Tax Revenue Note (Limited Tax Bonds), in an amount not to exceed \$250 million; and

2. Designate Merrill Lynch and Company for underwriting services; and

3. Designate Financial Printing Resource, Inc. for printing services. **William Stawarski**

This item was reviewed and unanimously recommended for approval by the Administrative Committee on March 11, 2009, Major Project Committee on March 12th, Plans and Programs Committee on March 18th, Commuter Rail Committee on March 19th, and the Mountain/Desert Committee on March 20th.

Discussion Items Continued....**State and Federal Fund Administration (Cont.)****18D. Allocation of the American Recovery and Reinvestment Act of 2009 – Transit Provisions Pg. 162**

Approve the allocation of the ARRA Transit Funds to the following operators:

1. Barstow Area Transit,	\$	428,126
2. Morongo Basin Transit Authority,	\$	493,283
3. Mountain Area Regional Transit Authority,	\$	366,551
4. Omnitrans,	\$	20,708,588
5. Needles Area Transit,	\$	53,388
6. Victor Valley Transit Authority,	\$	3,777,403
7. Southern California Regional Rail Authority,	\$	7,333,942

Beth Kranda

This item was reviewed and unanimously recommended for approval by the Plans and Programs Committee on March 18, 2009, the Commuter Rail Committee on March 19th, and the Mountain/Desert Committee on March 20th.

18E. Use of Measure I Valley Major Project and State Funds for Local Projects in Place of ARRA Regional Stimulus Funds Pg. 165

1. In recognition of the allocation of all sub-allocated ARRA Regional Surface Transportation Program stimulus funds to I-215 construction projects, direct SANBAG staff to develop a Local Stimulus Program for distribution of funds to cities and the county in place of ARRA Funds that incorporates the following principles:

- a. ARRA funds will be exchanged with “clean” local and state funds.
- b. Amount to be allocated should be the amount that would have been suballocated to local agencies under the intent language of Assembly Bill 20 of the third extraordinary legislative session.
- c. Program may be multi-year to achieve the total suballocation amounts.
- d. Will evaluate different methods of distribution from per capita to the current Measure I local pass through formula.
- e. Once developed, the final Local Stimulus Program will be brought back for consideration to the policy committees and the Board of Directors. **Duane Baker**

This item was reviewed by the Plans and Programs Committee on March 18, 2009, the Commuter Rail Committee on March 19, 2009, and the Mountain/Desert Committee on March 20, 2009.

Discussion Items Continued....

Subregional Transportation Planning and Programming

19. Measure I 2010-2040 Strategic Plan Pg. 168

1) Approve the Measure I 2010-2040 Strategic Plan and the proposed policy revisions in Attachment 1

2) Defer the issue of whether redevelopment agency funding should be eligible as a development contribution for consideration in the 2009 update of the Congestion Management Program. **Ty Schuiling**

This item was reviewed ~~approved~~ by the Major Projects Committee on March 12, Plans and Programs Committee on March 18, Commuter Rail Committee on March 19, and Mountain/Desert Committee on March 20. The item was updated for the Board agenda based on subsequent discussions.

Regional Quality of Life

20. SB 375 Activities Update and SANBAG Deadlines Pg. 180

Receive Report. **Ty Schuiling**

This item has had no prior policy committee review.

21. South Coast Air Quality Management District (SCAQMD) Proposed Rule 2301 (PR2301) Pg. 199

1. Receive report on PR 2301

2. Support staff request to the Southern California Association of Governments, the SCAQMD, and the California Air Resources Board (CARB) for the following:

a. Interagency cooperation in early description of the on-road mobile source emission reduction strategy needed to attain federal standards 8-hour ozone and 24-hour PM2.5, and

b. Maximum integration of light and medium duty vehicle (LDV and MDV) pollution reduction strategies for ozone and PM2.5 per PR2301, and greenhouse gases per SB375, recognizing that a focus of both programs is reduced LDV and MDV emissions and vehicle miles of travel (VMT).

Ty Schuiling

This item has had no prior policy committee review.

Other Matters**22. Consent Calendar Items Pulled for Discussion**

Items pulled from the consent calendar shall be taken under this item in the order they were presented on the calendar.

Comments from Board Members

Brief Comments from Board of Directors

Public Comment

Brief Comments by the General Public

ADJOURNMENT**Additional Information****Agency Reports/Committee Memberships**

Commuter Rail Report Pg. 215

Mayor Pro Tem Patricia Gilbreath

South Coast Air Quality Management Report Pg. 218

Mayor Dennis Yates

Mobile Source Air Pollution Reduction Review Committee (MSRC) Pg. 221

Council Member Gwenn Norton-Perry

SCAG Committees

Pg. 224

SCAG Regional Council

SCAG Policy Committees

Community, Economic and Human Development

Energy and Environment

Transportation and Communications

SANBAG Policy Committees

Pg. 225

Acronym List

Pg. 228

Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the SANBAG Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item when an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in "Public Testimony on any Item" still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

**SANBAG General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

The Vote as specified in the SANBAG Bylaws.

- Each member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Board/Committee Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

Adopted By SANBAG Board of Directors January 2008